



# **MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS**

**SEPTEMBER 5, 2007**

**The Regular Meeting of the Council of Commissioners was called to order Wednesday, September 5, 2007 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.**

## **ROLL CALL**

12 present and 0 absent.

## **PRAYER**

Commissioners were led in prayer by Commissioner Lee.

## **APPROVAL OF THE MINUTES OF THE AUGUST 15, 2007 REGULAR MEETING AND THE AUGUST 22, 2007 SPECIAL MEETING**

**It was moved by Commissioner O'Leary, seconded by Commissioner Lee to approve the Minutes of the August 15, 2007 Regular Meeting and the August 22, 2007 Special Meeting.**

## **ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES**

None

## **PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

## **CHIEF EXECUTIVE'S REPORT**

Chief Executive Babb reported on the tour of the Kelley Warehouse by several commissioners. He stated that he would make arrangements for anyone who wants to tour it. He said he was going to Great Falls to look at their pool and water park. He told the yellow ribbons are now being sold for our servicemen. Headwaters R C& D and the Butte Chamber are in charge of handling the sales. A business man has offered to pick up the difference of what we need for the making of these ribbons. They are made of fiberglass and the cost to have one is

**SECTION I** **PRESENTATION**  
**COMMUNICATION N0. 07-572**

Lee Phillips, Director of the Butte-Silver Bow Public Library, came to the microphone and showed the commissioners a power point presentation. She had placed a handout on their desks before the meeting. She explained the need for environmental controls at the Library Building and showed several books which have deteriorated and pictures of what is happening to the mop boards and shelves because of the heat in the building.

At this time Chief Executive Babb moved Section IV to this place

## SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

- Jeff Miller, Director of Fire Services, introduced Thomas Deiter and said he has completed all the terms and requirements of his probationary period.

**It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by unanimous verbal vote to concur with the confirmation of Thomas Deiter as a firefighter of Butte-Silver Bow.**

- Sheriff John Walsh, introduced Timothy Berger and Steve Honer and asked for their confirmation.

**It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to concur with the request in Communication No. 07-573.**

**It was then moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to place Communication No. 07-563 and 07-573 on file.**

## **SECTION II**

### **PUBLIC HEARING (CONTINUATION)**

**FOR THE PURPOSE OF FIXING THE FINAL BUDGET AND MAKING APPROPRIATIONS. (Communication No. 07-533 being held in Committee of the Whole) Proof of publication was noted and placed on file 8/15/07.**

Jeff Amerman, Butte-Silver Bow Finance and Budget Director, came to the microphone and passed out the most updated copy of the Resources and Requirements that shows that the budget is in balance for the tax-supported funds and the levy right now currently sits at 299.93 mills. The differences you will see is all the various addendums that have been approved thus far through the budget process as well as \$100,000 into reserves in the General Fund and \$100,000 into reserves in the Fire Fund. He has an additional Addendum A that is included in the Resources and Requirements list. These are basically housekeeping issues. He answered questions from several commissioners. Commissioner Coleman questioned #2892. He would like more information on the amount of \$10,000 for professional services in the Mt. Historic Preservation Fund. **He moved that we strike Montana Historic Preservation line item from Addendum A of the amendments to the 2007-08 Preliminary Budget as of this date, September 5<sup>th</sup>, 2007 for one week to allow the Finance and Budget Director time to acquire information pertaining to that line item and report back to this Council. The motion was seconded by Commissioner O’Leary and carried by a unanimous verbal vote. The public hearing will be kept open. Chief Executive Babb called for any proponents. On the third and final call there being none he called for opponents. Again there was no response so he called the Public hearing closed**

## **SECTION III**

### **CONSENT AGENDA**

- A.**
  - 1. COMMITTEE OF THE WHOLE MEETING REPORT
  - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
  - 3. JUDICIARY COMMITTEE MEETING REPORT
  - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

### **B. COMMUNICATIONS**

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or friendly amendment.

Commissioner Coleman segregated Section IV, Judiciary Committee Meeting Report, Communication No. 07-558. Commissioner O'Leary segregated Section V of the Committee of the Whole Report Meeting Report and Item No. 22, Communication No. 07-585, Item No. 23, Communication No. 07-586 and Item No. 37, Communication No. 07-600. He made "friendly amendments" to change the recommendation on No. 38 and No. 39. He had recommended that these go to Finance and Budget Committee. He now changes that to Committee of the Whole. He changed his segregation of Item No. 22 to a "friendly amendment" to go to Committee of the Whole. Commissioner Shaw segregated Section I and II in the Judiciary Committee Meeting Report. Commissioner Moodry segregated Communication No. 21, 07-584.

**Commissioner O'Leary then moved for approval of the Consent Agenda, Section A, Items 1 through 4 and Section B, Items 1 through 39 with the exception of those items segregated. Commissioner Lee seconded the motion and it passed with a unanimous verbal vote.**

**Committee of the Whole Meeting Report.** Commissioner O'Leary said there are three items to address under Jeff's budget communication. The first one will be the item that he just handed out and he made a motion that Addendum A dated 9/5/2007 be approved with the exception of #2892. Commissioner Lee seconded the motion and it passed with a unanimous verbal vote.

On attachment D, which is an addition to the Library Fund under Machinery and Equipment for \$62,500. **He moved that we approve Attachment D and add it to the Preliminary Budget. Commissioner Lee seconded the motion.** When Commissioner Sheehy questioned the amount Mr. O'Leary explained that they were hoping to use County electricians thereby being able to save money. He called on Mr. Melvin, Manager of Government Buildings and he explained they would not be able to do that because the government electricians already had a full plate. **Commissioner O'Leary then withdrew his motion and made a new motion to fund this attachment at the level of \$80,000. Commissioner Lee seconded the motion and it passed with a unanimous verbal vote. Commissioner Foley voted nay.**

**Attachment C –** Commissioner O'Leary explained that Attachment C has to do with services with the Russ Reid Company, Washington DC for the purpose of lobbying. The reason this figure is down from when we first started last summer is we've lost three months of activity so the contract would be for the \$90,000 for the remaining 9 months of the year plus \$4,000.00 in expenses. We have in the Council of Commissioners budget \$12,500 which we used last year for J. D. Lynch in the lobbying effort at the state capitol. He proposed that we move \$3500 out of our travel budget which we typically don't utilize. That would cover their

travel out here and gives a subtotal of \$16,000. This request asks to put \$78,000 into the purchase of professional services of the Council of Commissioners. **He then moved to approve the request in Attachment C for the Commissioner's budget. The motion was seconded by Commissioner Lee. A roll call vote of 8 yea and 4 nay was taken. Voting nay were Commissioners Moodry, Mulcahy, Foley and Granger**

**Judiciary Committee Meeting Report – Communication No. 07-503**

Commissioner Shaw said that Communication No. 07-503 and Communication No. 07-514 were to be combined as one. **Commissioner Shaw moved to combine Communications No. 07-503 and No. 07-514. The motion was seconded by Commissioner Coleman and passed with a unanimous verbal vote.**

**Judiciary Committee Meeting Report – Communication No. 07-558**

**Commissioner Coleman to change the recommendation on Communication No. 07-558 to submit for public hearing on September 26 and then have the Committee of the Whole Sitting as Judiciary four weeks from tonight. It was seconded by Commissioner Shaw and carried by a unanimous verbal vote.**

**Communication No. 07-584**

Commissioner Moodry asked Jeff Amerman for explanation of the contract which he did. He also explained that Steve Descharme has been brought in as Budget Analyst and Wendy McGrath is also helping. **It was moved by Commissioner O'Leary moved for concurrence in the request of Communication No. 07-584 and place on file. Commissioner Lee seconded the motion and it carried by a unanimous verbal vote with Commissioner Foley voting against.**

**Communication No. 07-586**

Commissioner O'Leary said this was segregated to pick a date for the public hearing and we are tentatively looking at September 26<sup>th</sup>. **He moved that we set a public hearing on the tax abatement for Home Depot for 9/26/07 and proceed with the proper advertising and hold Communication No. 07-586 in Committee of the Whole. Commissioner Lee seconded the motion and it carried with a unanimous verbal vote.** Chief Executive Babb informed the council that Rick Griffith told him they were in the process of working out an agreement for \$450,000 paid to the airport for any fill that would go into that pit. Rick said that would be a tremendous help to the airport. George Paul of the Port of Montana told him that Home Depot has been getting some of their lumber supply out at the Port of Montana. **The motion carried with a unanimous verbal vote.**

**Communication No. 07-600**

Commissioner O'Leary said that Tim Clark had informed him he had some concerns about whether this letter should have come to council because it is a matter that is subject to a bargaining agreement. He posed the question to the

**SECTION V                      ORDINANCES AND RESOLUTIONS –  
REFERRED TO JUDICIARY**





**3. COUNCIL RESOLUTION NO. 07-68**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 3, 4, 5, 6, 7, 8 AND 9 IN BLOCK 12 OF THE ORIGINAL BUTTE TOWNSITE, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays.**

**SECTION VII ORDINANCES AND RESOLUTIONS –  
SUSPENSION OF THE RULES**

**It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to suspend the rules for the purpose of passing Council Resolutions No. 07-76 and 07-79 by waiving subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having them considered for advanced passage without reference to the Judiciary Committee.**

**1. COUNCIL RESOLUTION NO. 07-76**

A RESOLUTION RELATING TO \$978,554.00 GENERAL OBLIGATION BOND, SERIES 2007, DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-76 on final reading and passed having been deemed fully read at length.**

**2. COUNCIL RESOLUTION NO. 07-79**

A RESOLUTION REQUESTING PROSECUTORIAL ASSISTANCE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-79 on final reading and passed having been deemed fully read at length.**

**ADJOURN**

Commissioner O’Leary asked for a replacement for Commissioner Kerns on the Economic Mill Levy Committee. Commissioner Moodry and Foley both volunteered.

**There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.**

The meeting adjourned at 9:30 PM.

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CHIEF EXECUTIVE

ATTEST:

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CLERK AND RECORDER

